

APPENDIX C

RIGHTS AND RIGHTS-OF-USE

NAVAJO RESERVOIR AREA

Partial Listing as of May 10, 2005

Table C-1: Rights and Rights-of-Use; Navajo Reservoir Area ¹

Right/Use	Type	Current Holder	Section	Township	Range	Comments
Fee Title; Administrative Jurisdiction	Acquired; Withdrawn; Exchanged	United States (Bureau of Reclamation)				<ul style="list-style-type: none"> Reservoir Area Title held by US Reservoir Area administered for CRSP purposes by Reclamation Indefinite term Authorized by CRSPA of April 17, 1956
Water Intake and Conveyance	Right-of- Way	United States (Bureau of Reclamation)	19	30N	7W	<ul style="list-style-type: none"> NIIP headworks and tunnel in N½SW¼, Sec. 19, T30N, R7W, NMPM Authorized by NIIP authorization act Perpetual right To be transferred to BIA in trust for the Navajo Nation Operated by NAPI
Water and Water Rights	Acquired	United States (Bureau of Reclamation)				<ul style="list-style-type: none"> Related to USBR acquired lands within reservoir area Various water and water rights appurtenant to acquired lands. Amounts may or may not have been identified. See respective deeds for details. Current status of rights unknown
Livestock Watering	Reserved	Herrera	18	32N	4W	<ul style="list-style-type: none"> Perpetual right of ingress/egress over acquired lands for watering livestock at the reservoir USBR LA # 7-LM-48-00003; expires 08/21/2022
Irrigation	License Agreement	Herrera	17	32N	4W	<ul style="list-style-type: none"> Irrigation diversion and ditch USBR license number 7-LM-48-00003; expires 21 Aug 2022
Water Intake	License Agreement	Piedra Park Metropolitan Improvement District	5, 8 32	32N 33N	5W 5W	<ul style="list-style-type: none"> Municipal water system intake; powerline and 4-inch waterline USBR contract # 8-LM-48-00004; expires 07/18/2038
Water Intake	License Agreement	Piedra Park Metropolitan Improvement District	8	32N	5W	<ul style="list-style-type: none"> Improvement district, sump, sump pump and 2-inch waterline USBR contract # 07-07-48-L0090; expires 04/02/2012
Water Intake	License Agreement	Piedra Park Metropolitan Improvement District	8	32N	5W	<ul style="list-style-type: none"> Improvement district, pump house, 4-inch waterline, buried power cable USBR contract # 08-07-40-L0618; expires 03/17/2028

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Right/Use	Type	Current Holder	Section	Township	Range	Comments
Buried Phone Cable	License Agreement	Universal Telephone Co.	5 32	32N 33N	5W 5W	<ul style="list-style-type: none"> ▪ 2 line cable parallel to NM Highway 151 ▪ USBR contract #07-07-40-10413; expires 07/12/2027
Irrigation Pump and Water Pipeline	License Agreement	Conley	24	32N	6W	<ul style="list-style-type: none"> ▪ Water pumped from Sambrito Creek, piped across federal land to private property ▪ USBR contract # 03-07-48-L0020; expires 11/02/2007 ▪ NM State Water Right
Road Use	License Agreement	Dungan	5	32N	5W	<ul style="list-style-type: none"> ▪ Improve/use two existing roads ▪ USBR contract #01-07-40-L2034; expires 07/09/2006
Recreation Management	MOA	CDPOR				<ul style="list-style-type: none"> ▪ Management of recreation within reservoir area; CO ▪ USBR contract #3-LM-40-01000; expires 9/22/2014
Recreation Management	MOA	NMSPD				<ul style="list-style-type: none"> ▪ Management of recreation within reservoir area; NM ▪ USBR contract # 14-06-400-5754; amended 5/15/1997; term extended pending new agreement; negotiations have begun.
Livestock Grazing	Lease	Various				<ul style="list-style-type: none"> ▪ Pump House Allotment ▪ Operations managed by BLM, FFO, pursuant to agreement w/ USBR
Livestock Grazing	Lease	Various				<ul style="list-style-type: none"> ▪ Rosa Community Allotment ▪ Grazing operations managed by BLM, FFO, pursuant to agreement w/ USBR ▪ Includes 23 head of free/wild roaming horses.
Ingress/Egress for Livestock Watering at Navajo Reservoir	Reserved	Various				<ul style="list-style-type: none"> ▪ About 23 separate perpetual reserved rights for ingress/egress for watering livestock at Navajo Reservoir. ▪ From various LPCs- "The vendor and his assigns shall have the right of ingress and egress on, over and across lands designated by the US of the lands described in Article 3 hereof for the purpose of watering livestock at the Navajo Reservoir waterline." ▪ Refer to the various LPCs for the specific lands involved.
Ingress/Egress for Livestock Watering at Navajo Reservoir	Court Grant and/or Reserved	Various				<ul style="list-style-type: none"> ▪ About 4 separate perpetual reserved rights for ingress/egress for watering livestock at Navajo Reservoir. ▪ CA4904 Judgment and various LPCs- "The Defendants [vendors] and/or their assigns are hereby granted [shall have] the perpetual right to water livestock in the Navajo Reservoir on the property described herein, together with the right of ingress and egress to the reservoir water line on the said property described herein for such purposes, excepting, however, said right shall not apply to areas of said property which are now or in the future designated by the United States for public or recreational use." ▪ Refer to the Judgment and the LPCs for the specific lands involved.

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Irrigation Ditch	Right-of-way	Seibels, et. al.; successors, and assigns.	8	32N	5W	<ul style="list-style-type: none"> ▪ NE¼SE¼ ▪ US permitted the Grantors, successors and assigns, at their own cost and expense, the right to construct, operate, and maintain an irrigation ditch across the described lands. However, there were no specifics as to alignment. ▪ The construction, operation, and maintenance of said ditch will be performed in such a manner that it will not interfere with the purposes and facilities of the Navajo Unit of the CRSP. ▪ Deed, dated 3/13/1961; Bk 97: Pg 443-445; Archuleta County, CO
Oil/Gas with Development Rights	Reservation and Exception	Seibels, et. al.; successors, assigns	8, 17, 18	32N	5W	<ul style="list-style-type: none"> ▪ Reserved to the grantor, successors and assigns, all oil and gas in acquired land as described in the deed (see Deed for complete description) with right to prospect for and remove the same. However, there is no description of the oil/gas rights held by the Grantor at time of USBR acquisition. ▪ Reserved rights shall be exercised in a manner that will not interfere with the construction, operation, and maintenance of any works of the Navajo Unit, CRSP as determined by SOI or his duly authorized representative. ▪ Methods of extraction and removal of such gas/oil shall be approved by SOI or his duly authorized representative; shall prevent pollution, and shall in no way adversely affect the water supply of the Navajo Unit, CRSP.
Oil and Gas Development	Federal Leases					<ul style="list-style-type: none"> ▪ Multiple Federal o/g leases and/or units within the reservoir area in NM ▪ Held by production ▪ Operations administered by BLM, NMOCD, and USBR
Oil and Gas Development	NM Leases					<ul style="list-style-type: none"> ▪ Multiple NM State o/g leases within reservoir area in NM ▪ Held by production ▪ Operations administered by NMOCD and USBR
Oil and Gas Development	Private Leases					<ul style="list-style-type: none"> ▪ Multiple private o/g leases within the reservoir area in both CO and NM ▪ Held by production ▪ Operations administered by the respective state o/g regulatory agencies, NMOCD or COGCC, and USBR
Oil and Gas Development	Lease	Burlington Resources?	16	32 N	6W	<ul style="list-style-type: none"> ▪ Held by production ▪ Operations administered by NMOCD and BLM. ▪ NM State O/G lease # E-504, dated 8/21/1945 ▪ Only a portion of Sec. 16 is within the reservoir area. ▪ Part of Allison Unit

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Oil and Gas Development	NM/Federal Unit	Burlington Resources				<ul style="list-style-type: none"> ▪ Allison Unit ▪ Unit Operator- Burlington Resources Oil/Gas Co. ▪ Operations administered by NMOCD and BLM
Mineral Rights	Reserved	SUIT				<ul style="list-style-type: none"> ▪ Mineral rights and right of development on former SUIT lands within the reservoir area in CO ▪ Development rights subject to approval by SOI to protect reservoir water quality and project purposes ▪ Perpetual right ▪ Currently, no development.
Road Survey, Construction, Maintenance	MOU	BIA				<ul style="list-style-type: none"> ▪ Route SU Road 169 ▪ USBR Contract # 14-06-400-6102 ▪ Perpetual right
Water Right	Reserved	Navajo Nation				<ul style="list-style-type: none"> ▪ Up to 508,000 acre-feet/year from San Juan River (from Sec. 2, P.L. 87-483); actual amount in dispute ▪ Original amount identified in Navajo Indian Irrigation and San Juan-Chama Project Act of 1962) ▪
Water Right	Reserved	Jicarilla Apache Nation				<ul style="list-style-type: none"> ▪ 35,000 acre-feet annually from Navajo Reservoir Supply (includes Navajo River on reservation) ▪ JAN has right to market unused portion ▪ Right identified in Jicarilla Apache Water Settlement Act of xxx ▪ State Water Right:
Geothermal Resources	Reserved	State of New Mexico				<ul style="list-style-type: none"> ▪ Reserved on lands acquired by USBR from the State of New Mexico ▪ Includes right of development ▪ Perpetual Right
Rosa Cemetery	Fee Title	Catholic Church	10	T32N	R6W	<ul style="list-style-type: none"> ▪ Relocated cemetery ▪ Within the narrow strip along the state line with NM; NE¼, Sec. 10 ▪ 1 acre deeded (per NMSPD)
Water Haul Access and Pump Sites	USBR Permits	Various Water Haulers	25-27 5 35 14	T32N T30N T31N T32N	R6W R7W R7W R6W	<ul style="list-style-type: none"> ▪ Haulers (list may vary over time) <ul style="list-style-type: none"> ▪ M&K Trucking ▪ Triple S Trucking ▪ Dawn Trucking ▪ Key Energy Trucking ▪ C&J Trucking ▪ Locations (same order as Sec/Twp/Rng to left) <ul style="list-style-type: none"> ▪ Eul Canyon ▪ Colorado Cove ▪ Negro Andy Canyon ▪ Frances Creek ▪ USBR license agreements; 5-year terms
Commercial River Float Fishing	Permit	Varies from year to year				<ul style="list-style-type: none"> ▪ River float fishing on SJ River below dam only ▪ Several NMSPD permits with various expiration dates

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Right/Use	Type	Current Holder	Section	Township	Range	Comments
Recreation Concession	Permit	Sims Mesa Marina, Inc.				<ul style="list-style-type: none"> ▪ Sims Mesa Marina, etc. ▪ NMSPD permit; expires 6/30/2006
Recreation Concession	Permit	Navajo Dam Enterprises, Inc.				<ul style="list-style-type: none"> ▪ Pine Area Marina, etc. ▪ NMSPD permit; expires 3/05/2016
Oil/Gas Pipelines	Lease Rights; Right-of-way; Land Use Agreements	Various				<ul style="list-style-type: none"> ▪ Numerous oil/gas pipelines across the reservoir area ▪ Some of these pipelines area associated with oil/gas lease or unit rights
Oil/Gas Roads	Lease Rights; Right-of-way; Land Use Agreements	Various				<ul style="list-style-type: none"> ▪ Numerous oil/gas access roads cross the reservoir area ▪ Some of these roads are associated with oil/gas lease or unit rights
Power Plant	Permit	City of Farmington				<ul style="list-style-type: none"> ▪ USBR license ▪ FERC permit
Electrical Powerline	License Agreement	Farmington Electric Association				
NM State Highways	Easement	State of New Mexico				<ul style="list-style-type: none"> ▪ Several NM state highways cross portions of the reservoir area
CO Highway 151	Easement	State of Colorado				<ul style="list-style-type: none"> ▪ Crosses reservoir area lands east of Arboles
San Juan County (NM) Roads	Easement	San Juan County (NM)				<ul style="list-style-type: none"> ▪ Some San Juan County roads cross portions of the reservoir area in NM
Rio Arriba County (NM) Roads	Easement	Rio Arriba County (NM)				<ul style="list-style-type: none"> ▪ Some Rio Arriba County roads cross portions of the reservoir area in NM
Archuleta County (CO) Roads	Easement	Archuleta County (CO)				<ul style="list-style-type: none"> ▪ Some Archuleta County roads cross portions of the reservoir area in CO
Telephone Lines (buried and/or overhead)	Easement	Various				<ul style="list-style-type: none"> ▪ Various telephone lines located on USBR lands within the reservoir area.
Church Relocation		Catholic Church				<ul style="list-style-type: none"> ▪ Below the dam near the Texas Hole Fishing Access
Commercial Communication Facilities	License Agreements	Various				<ul style="list-style-type: none"> ▪ Several facilities located near Navajo Dam

¹ This table is subject to change at any time as additional information becomes available.